



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 22, 2020

VIA ECF

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street, Room 701
New York, New York 10007

Re: *Waterkeeper Alliance, Inc. v. U.S. Environmental Protection Agency*,
19 Civ. 899 (LJL)

Dear Judge Liman:

This Office represents defendants United States Environmental Protection Agency (“EPA”) and Andrew Wheeler, in his official capacity as Administrator of EPA (jointly, the “Government”), in the above-referenced action commenced under the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701–706, and the Safe Drinking Water Act (“SDWA”), 42 U.S.C. §§ 300f–300j-26. On behalf of the parties, I write respectfully to request a modification of the Court’s order dated June 15, 2020 [Dkt. No. 35], which provides that the “Court retains jurisdiction” over this case “to resolve any claims by plaintiffs against defendants for reasonable attorney fees and costs . . . provided that an application for fees and costs is filed within 120 days of the date on which this Court enters this Order,” which is October 15, 2020. Should the Court grant this request, and if the parties are unable to reach agreement as to the appropriate amount of Plaintiffs’ attorney’s fees and costs, the parties propose the following briefing schedule below. This is the parties’ first request for an extension of the briefing deadline for costs and fees in this case. Plaintiffs consent to this request.

The extension is requested to allow the Defendants additional time to obtain settlement authorization by those with authority within EPA and the Department of Justice. If the parties are unable to reach agreement, we respectfully request that the Court enter the briefing schedule set forth below:

- Plaintiffs’ opening motion: November 16, 2020
- Defendants’ opposition: December 23, 2020
- Plaintiffs’ reply: January 20, 2021

We thank the Court for its consideration of this request.

Hon. Lewis J. Liman
September 22, 2020

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Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: /s/ Tomoko Onozawa
TOMOKO ONOZAWA
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2721
Fax: (212) 637-2686
E-mail: tomoko.onozawa@usdoj.gov


cc: All Counsel of Record (**via ECF**)

MEMORANDUM ENDORSED. If the parties are not able to reach an agreement on Plaintiff's attorney's fees, the Court will entertain a motion for attorney's fees made pursuant to the briefing schedule set forth above.

SO ORDERED.

9/23/2020

SO ORDERED.


LEWIS J. LIMAN
United States District Judge